

4529-97323

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Simcha GENDELMAN

Serial No. : 10/577,610

Filed : September 25, 2006

For : PREPAID DEBIT CARD PROCESSING

Group Art Unit: 3691

Examiner: Virpi H. Kanervo

Hon. Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF

This Appeal Brief is submitted further to the Notice of Appeal filed on April 4, 2010.

I. REAL PARTY IN INTEREST

The real party in interest is Verifone Israel, LTD., assignee of all rights to the present Application.

II. RELATED APPEALS AND INTERFERENCES

There are no other related appeals and interferences known to Applicant or to the real party in interest.

III. STATUS OF CLAIMS

Claims 11 - 14, 16 - 17, 19 - 20 and 23 - 30 are pending.

The application was filed with 19 claims. Claims 20 - 22 were added and claims 15 and 18 were cancelled in the response filed on February 19, 2008. Claims 23 - 30 were added and claims 1 - 10 and 21 - 22 were cancelled in the response filed on July 22, 2009.

Claims 11 - 14, 16 - 17, 19 - 20 and 23 - 30 are being appealed.

IV. STATUS OF AMENDMENTS

No amendments have been filed since the issuance of the Official Action under appeal.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 11

The present invention, as recited in claim 11, includes a point of sale terminal including an input device receiving prepaid card identification indicia, in a form different from a credit card number, from a prepaid card issued to a customer by a prepaid card issuer when the prepaid card is presented in payment by the customer, the prepaid card issuer having a credit card account identified by a credit card number and a processor, identifying the credit card number by using the prepaid card identification indicia, the credit card number being different from the prepaid card identification indicia, and communicating the credit card number to a credit card server which processes a credit card transaction, charging the payment to the credit card account.

The point of sale terminal of the present invention recited in claim 11 is shown in Figs. 1 and 2 and described in the description thereof as filed.

The point of sale terminal of the present invention, as recited in claim 11, includes:

an input device [point of sale terminal 104, 204] receiving prepaid card identification indicia [prepaid card number 102, 202], in a form different from a credit card number [Figs. 1 and 2], from a prepaid card issued to a customer by a prepaid card issuer [page 5, lines 19-22] when said prepaid card is presented in payment by said customer [Fig. 1, page 5, lines 8-9], said prepaid card issuer having a credit card account identified by a credit card number [page 5, lines 19-22]; and

a processor, identifying said credit card number by using said prepaid card identification indicia [page 6, lines 7-8], said credit card number being different from said prepaid card identification indicia [Figs. 1 and 2], and communicating said credit card number to a credit card server [page 6, lines 9-12] which processes a credit card transaction, charging said payment to said credit card account [page 6, lines 13-17].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed are as follows:

1) Rejection of independent claim 11 under 35 U.S.C. 103(a) over Hobson (U.S. Patent No. 7,292,999) and Koppel (U.S. Published Patent application No. 2002/0026418).

Applicant believes that the Examiner's application of the prior art is not appropriate and that the present claims are novel and non-obvious over the art cited by the Examiner.

VII. ARGUMENT

CLAIM 11

1) Rejection of independent claim 11 under 35 U.S.C. 103(a) over Hobson (U.S. Patent No. 7,292,999) and Koppel (U.S. Published Patent application NO. 2002/0026418).

The examiner rejects claim 11 based on the combination of Hobson and Koppel.

Hobson describes an online card-present transaction system facilitating card-present type transactions with a merchant over a public network. A host system is configured to accept authentication data from a user via an authentication device. The host system, after authenticating a user, is configured to retrieve the user's account information from a user database system and translate a user account number into a temporary transaction number. The temporary transaction number is then transmitted directly from the host system to the merchant, thereby eliminating the need for the user to send to the merchant over the internet, the user's transaction account number.

Koppel describes a method for providing pre-paid anonymous electronic debit cards compatible with an existing network of credit cards.

Claim 11 recites a point of sale device including an input device receiving prepaid card identification indicia, in a form different from a credit card number, from a prepaid card issued to a customer by a prepaid card issuer when the prepaid card is presented for payment by a customer, the prepaid card issuer having a credit card account identified by a credit card number, and a processor, identifying the credit card number by using the prepaid card identification indicia, the credit card number being different from the prepaid card identification indicia, and communicating the credit card number to a credit card server which processes a credit card transaction, charging the payment to the credit card account.

In the rejection of claim 11, the Examiner wrote: (Office Action of January 7, 2011, section 4, first paragraph of page 4)

“Hobson does not show said prepaid card issuer having a credit card account. Koppel shows said prepaid card issuer having a credit card account (Koppel page 2, paragraph 38). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Hobson by said prepaid card issuer having a credit card account of Koppel in order to provide a type of electronic cash which can be used anonymously. (Koppel: page 1, paragraph 15).”

Applicant respectfully disagrees. As noted by the Examiner, Hobson does not show “said prepaid card issuer having a credit card account identified by a credit card number.” The Examiner cites Koppel as showing a prepaid card issuer having a credit card account. Applicant respectfully notes that, in contrast to the recitation of claim 11, “prepaid card identification indicia, in a form different from a credit card number,” the prepaid card identification indicia used in Koppel is in the form of a credit card number. Thus, in Koppel, as distinct from the present invention, there is no need for the processor to identify a credit card number associated with a credit card account belonging to a credit card issuer, and indeed in Koppel the processor does not identify a credit card number associated with a credit card account belonging to a credit card issuer.

Furthermore, in contrast to the recitation of claim 11, “a processor ... communicating the credit card number to a credit card server which processes a credit card transaction, charging the payment to the credit card account,” in Koppel the **prepaid card identification indicia** is communicated to the credit card server, not the credit card number of the **issuer credit card account** being charged.

Applicant notes that in the system of Koppel, each of the prepaid cards includes prepaid card indicia in the form of a credit card number that identifies a different valid credit card account. In contrast to the recitation of claim 11, it is this valid credit card number that is communicated to the credit card server, not the credit card number of the issuer credit card account being charged. Thus, for example, if in a one-time advertising campaign, a merchant wishes to issue one million prepaid cards to one million different potential users, such as the readers of a newspaper, the merchant, here the issuer, must establish one million different valid credit card accounts, which is

entirely impractical, in view of the expectation that only one tenth of one percent of the prepaid cards will ever be used. In contrast, in accordance with the present claimed invention, if an issuer wishes to issue one million prepaid cards to one million different users, the issuer need establish only a single valid credit card account.

Similarly, in the system of Hobson, each user must have a valid credit card account. Thus there is no way, according to Hobson, for a merchant, in a one-time advertising campaign, to issue one million prepaid cards to one million different users.

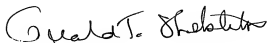
A combination of Hobson and Koppel would not yield the present claimed invention because the combination of Hobson and Koppel does not enable an issuer to issue a large number of prepaid cards while using only a single valid credit card account. Turning to the language of the claims, the combination of Hobson and Koppel does not show or suggest "receiving prepaid card identification indicia, in a form different from a credit card number, from a prepaid card issued to a customer by a prepaid card issuer ... said prepaid card issuer having a credit card account identified by a credit card number and a processor, identifying said credit card number by using said prepaid card identification indicia, said credit card number being different from said prepaid card identification indicia, and communicating said credit card number to a credit card server which processes a credit card transaction, charging the payment to said credit card account." as recited in claim 11.

Summary and Conclusion

As discussed hereinabove, Applicants respectfully submit that the prior art of Hobson and Koppel, alone and in combination, does not show or suggest the point of sale terminal of the present invention as recited in independent claim 11, since the processor does not have to identify a credit card number belonging to a credit card issuer using identification indicia in a form different from a credit card number.

Inasmuch as independent claim 11 of the present invention is deemed patentable over the cited prior art, Applicants respectfully submit that dependent claims 12 - 14, 16 - 17, 19 - 20 and 23 - 30, which depend directly or ultimately from claim 11, are also patentable over the cited prior art. Therefore, as discussed hereinabove, all of the claims of the present invention are novel and non-obvious over the art cited by the Examiner.

Respectfully submitted,

A handwritten signature in black ink, reading "Gerald T. Shekleton". The signature is fluid and cursive, with the first name "Gerald" and last name "Shekleton" clearly legible.

Dated: 6 June 2011

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APPENDIX A - CLAIMS

This Appendix includes all claims in their present state.

1-10. (Cancelled)

11. A point of sale terminal comprising:
an input device receiving prepaid card identification indicia, in a form different from a credit card number, from a prepaid card issued to a customer by a prepaid card issuer when said prepaid card is presented in payment by said customer, said prepaid card issuer having a credit card account identified by a credit card number; and

a processor, identifying said credit card number by using said prepaid card identification indicia, said credit card number being different from said prepaid card identification indicia, and communicating said credit card number to a credit card server which processes a credit card transaction, charging said payment to said credit card account.

12. A point of sale terminal according to claim 11 and wherein said input device is a card reader.

13. A point of sale terminal according to claim 11 and wherein said input device is a keyboard.

14. A point of sale terminal according to claim 11 and wherein said processor verifies validity of said prepaid card identification indicia prior to processing said credit card transaction.

15. (Cancelled)

16. A point of sale terminal according to claim 11 and also comprising a communicator, communicating said prepaid card identification indicia to a remote server to determine validity of said prepaid card.

17. A point of sale terminal according to claim 16 and wherein said remote server communicates information regarding a balance remaining on said prepaid card, via said communicator, to said terminal.

18. (Cancelled)

19. A point of sale terminal according to claim 11 and also comprising a storage device for storing said credit card number.

20. A point of sale terminal according to claim 11 and wherein said point of sale terminal receives, from a remote server, said credit card number.

21-22. (Cancelled)

23. A point of sale terminal according to claim 11 and wherein said point of sale terminal transmits information to a credit card transaction clearinghouse, said information including said credit card number.

24. A point of sale terminal according to claim 11 and wherein said credit card account is associated with a plurality of said prepaid cards.

25. A point of sale terminal according to claim 11 and wherein said processor enables said credit card number to be accessed at said point of sale terminal using said prepaid card identification indicia.

26. A point of sale terminal according to claim 11 and wherein said processor enables said credit card number to be identified at said point of sale terminal by accessing a lookup table based on said prepaid card identification indicia.

27. A point of sale terminal according to claim 16 and wherein said credit card number is stored at said remote server.

28. A point of sale terminal according to claim 16 and wherein said processor enables said credit card number to be accessed at said remote server using said prepaid card identification indicia.

29. A point of sale terminal according to claim 16 and wherein said processor identifies said credit card number by sending said prepaid card identification indicia to a remote server which includes a lookup table.

30. A point of sale terminal according to claim 16 and wherein said validity of said prepaid card relates to balance information.

APPENDIX B - EVIDENCE

No evidence pursuant to 37 CFR 1.130, 1.131, 1.132 or entered by or relied upon by the Examiner is being submitted.

APPENDIX C – RELATED PROCEEDINGS

No related proceedings are referenced in section II above, hence copies of decisions in related proceedings are not provided.